

**§ 2306. Separability**

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 90-288, § 7, Apr. 16, 1968, 82 Stat. 95.)

**CHAPTER 57—PLANT VARIETY PROTECTION****SUBCHAPTER I—PLANT VARIETY PROTECTION OFFICE****PART A—ORGANIZATION AND PUBLICATIONS**

- Sec.
- 2321. Establishment.
- 2322. Seal.
- 2323. Organization.
- 2324. Restrictions on employees as to interest in plant variety protection.
- 2325. Repealed.
- 2326. Regulations.
- 2327. Plant Variety Protection Board.
  - (a) Appointment.
  - (b) Functions of Board.
  - (c) Compensation of Board.
- 2328. Library.
- 2329. Register of protected plant varieties.
- 2330. Publications.
- 2331. Copies for public libraries.

**PART B—LEGAL PROVISIONS AS TO THE PLANT VARIETY PROTECTION OFFICE**

- 2351. Day for taking action falling on Saturday, Sunday, or holiday.
- 2352. Form of papers filed.
- 2353. Testimony in Plant Variety Protection Office cases.
- 2354. Subpoenas; witnesses.
- 2355. Effect of defective execution.
- 2356. Regulations for practice before the Office.
- 2357. Unauthorized practice.

**PART C—PLANT VARIETY PROTECTION FEES**

- 2371. Plant variety protection fees.
  - (a) In general.
  - (b) Late payment penalty.
  - (c) Disposition of funds.
  - (d) Actions for nonpayment.
  - (e) Authorization of appropriations.
- 2372. Payment of plant variety protection fees; return of excess amounts.

**SUBCHAPTER II—PROTECTABILITY OF PLANT VARIETIES AND CERTIFICATES OF PROTECTION****PART D—PROTECTABILITY OF PLANT VARIETIES**

- 2401. Definitions and rules of construction.
  - (a) Definitions.
  - (b) Rules of construction.
- 2402. Right to plant variety protection; plant varieties protectable.
  - (a) In general.
  - (b) Multiple applicants.
- 2403. Reciprocity limits.
- 2404. Public interest in wide usage.

**PART E—APPLICATIONS; FORM; WHO MAY FILE; RELATING BACK; CONFIDENTIALITY**

- 2421. Application for recognition of plant variety rights.
- 2422. Content of application.
- 2423. Joint breeders.
- 2424. Death or incapacity of breeder.
- 2425. Benefit of earlier filing date.
- 2426. Confidential status of application.

- Sec.
- 2427. Publication.

**PART F—EXAMINATIONS; RESPONSE TIME; INITIAL APPEALS**

- 2441. Examination of application.
- 2442. Notice of refusal; reconsideration.
- 2443. Initial appeal.

**PART G—APPEALS TO COURTS AND OTHER REVIEW**

- 2461. Appeals.
- 2462. Civil action against Secretary.
- 2463. Repealed.

**PART H—CERTIFICATES OF PLANT VARIETY PROTECTION**

- 2481. Plant variety protection.
- 2482. How issued.
- 2483. Contents and term of plant variety protection.
  - (a) Certificate.
  - (b) Term.
  - (c) Expiration upon failure to comply with regulations; notice.
- 2484. Correction of Plant Variety Protection Office mistake.
- 2485. Correction of applicant's mistake.
- 2486. Correction of named breeder.

**PART I—REEXAMINATION AFTER ISSUE, AND CONTESTED PROCEEDINGS**

- 2501. Reexamination after issue.
- 2502, 2503. Repealed.
- 2504. Interfering plant variety protection.

**SUBCHAPTER III—PLANT VARIETY PROTECTION AND RIGHTS****PART J—OWNERSHIP AND ASSIGNMENT**

- 2531. Ownership and assignment.
- 2532. Ownership during testing.

**PART K—INFRINGEMENT OF PLANT VARIETY PROTECTION**

- 2541. Infringement of plant variety protection.
  - (a) Acts constituting infringement.
  - (b) Uses authorized by owner.
  - (c) Applicability to certain plant varieties.
  - (d) Acts not considered infringing.
  - (e) Private noncommercial uses.
  - (f) "Perform without authority" defined.
- 2542. Grandfather clause.
- 2543. Right to save seed; crop exemption.
- 2544. Research exemption.
- 2545. Intermediary exemption.

**PART L—REMEDIES FOR INFRINGEMENT OF PLANT VARIETY PROTECTION, AND OTHER ACTIONS**

- 2561. Remedy for infringement of plant variety protection.
- 2562. Presumption of validity; defenses.
- 2563. Injunction.
- 2564. Damages.
- 2565. Attorney fees.
- 2566. Time limitation on damages.
- 2567. Limitation of damages; marking and notice.
- 2568. False marking; cease and desist orders.
- 2569. Nonresident proprietors; service and notice.
- 2570. Liability of States, instrumentalities of States, and State officials for infringement of plant variety protection.

**PART M—INTENT AND SEVERABILITY**

- 2581. Intent.
- 2582. Severability.
- 2583. Repealed.

**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in sections 1562, 1611 of this title; title 15 section 3703; title 35 section 201; title 42 section 12002.